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5 Attorney for Defendant- Counterclaim
Plaintiff
6 STEVEN KIM

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 SECOND MEASURE, INC., a Delaware
13 corporation,

14 Plaintiff,

15 v.

16 STEVEN KIM, an individual,

17 Defendant.
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CASE NO.: 3:15-cv-03395-JCS

**DEFENDANT AND
COUNTERCLAIM PLAINTIFF
STEVEN KIM'S PROPOSED
VERDICT FORM**

Judge: Hon. Joseph C. Spero
Pretrial Conf.: May 19, 2017
Time: 2:00 p.m.
Courtroom: G, 15th Floor
Trial Date: June 1, 2017

22 AND RELATED COUNTERCLAIMS.
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1 Defendant and counterclaim plaintiff Steven Kim respectfully submits this separate
2 verdict form pursuant to Item III.6. of the Court's November 2, 2016 Case Management
3 and Pretrial Order.

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5 Respectfully submitted,

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7 DATED: April 18, 2017

8 THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

9 By: /s/ Thomas Christopher
10 THOMAS CHRISTOPHER

11 thomas@thomaschristopherlaw.com
12 Attorney for Defendant and
13 Counterclaim-plaintiff
14 STEVEN KIM
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GENERAL VERDICT WITH WRITTEN QUESTIONS

Question No. 1: Do you find that Mr. Kim and Mr. Babineau were partners?

___ Yes ___ No

If you answered “Yes” to Question No. 1, go to Question Number 2. If you answered No you can skip Questions 2 through 6 below.

Question No. 2: Do you find that Ms. Chou was also a partner of Mr. Kim and Mr. Babineau, meaning all three were partners of each other?

___ Yes ___ No

Question No. 3: Do you find that Mr. Babineau breached any fiduciary duty owed to Mr. Kim?

___ Yes ___ No

If you answered Yes to Question 3, what is the amount of damages suffered by Mr. Kim as a result of Mr. Babineau’s breach of fiduciary duty? \$_____.

Question No. 4: If you answered Yes to Question No. 3, do you find that Ms. Chou aided or abetted a breach of fiduciary duty by Mr. Babineau?

___ Yes ___ No

Question No. 5: If you answered Yes to Question No. 3, do you find that Second Measure, Inc., aided or abetted that breach of fiduciary duty?

☐ Yes ☐ No

Question No. 6: If you answered Yes to Question No. 3, do you find that Second Measure, Inc., is vicariously liable for Mr. Babineau's breach of fiduciary duty?

☐ Yes ☐ No

Question No. 7: Do you find that Mr. Babineau engaged in a conversion of property rightfully belonging to Mr. Kim?

☐ Yes ☐ No

If Yes, what was the amount of damages Mr. Kim suffered as a result of that conversion? \$ _____.

Question No. 8: Do you find that Ms. Chou engaged in a conversion of property rightfully belonging to Mr. Kim?

☐ Yes ☐ No

If Yes, what was the amount of damages Mr. Kim suffered as a result of that conversion? \$ _____.

Question No. 9: Do you find that Second Measure, Inc. engaged in a conversion of property rightfully belonging to Mr. Kim?

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___ Yes ___ No

If Yes, what was the amount of damages Mr. Kim suffered as a result of that conversion? \$ _____.

Question No. 10: Do you find that Mr. Kim entered into a consulting agreement with Second Measure, Inc?

___ Yes ___ No

Question No. 11: If you answered Yes to Question No. 10, do you find that Mr. Kim breached that consulting agreement?

___ Yes ___ No

If you answered Yes, what amount of damages did Second Measure Inc., suffer as a result of that breach? \$ _____.

Question No. 12: If you answered No to Question No. 1, do you find that Mr. Kim provided valuable services to Mr. Babineau for which he was never paid?

___ Yes ___ No

If Yes, what was the reasonable value of those services? \$ _____.

Thank you for your service. Please sign this verdict form on the line below.

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Date

Foreperson